

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

DANYAIL HILL, ET AL

CIVIL ACTION NO. 18-cv-1480

VERSUS

CHIEF JUDGE HICKS

DG LOUISIANA, LLC

MAGISTRATE JUDGE HORNSBY

MEMORANDUM ORDER


Danyail Hill and Charlie Hill (“Plaintiffs”) filed this civil action in state court for damages Danyail Hill alleges she sustained when she was injured at a Dollar General store. Defendant removed the case on the basis of diversity jurisdiction, which puts a burden on Defendant to assert facts that show complete diversity of citizenship and an amount in controversy in excess of \$75,000. Preliminary review of the Notice of Removal indicates that Defendants have satisfied their burden except with respect to the Defendant’s own citizenship.

The notice of removal alleges that DG Louisiana, LLC, is “incorporated under the laws of the State of Tennessee, having its principal place of business in Tennessee.” The citizenship of an LLC is determined by the citizenship of all of its members, with its state of organization or principal place of business being irrelevant. Harvey v. Grey Wolf Drilling Co., 542 F.3d 1077 (5th Cir. 2008). “A party seeking to establish diversity jurisdiction must specifically allege the citizenship of every member of every LLC or partnership involved in a litigation.” Settlement Funding, L.L.C. v. Rapid Settlements, Ltd., 851 F.3d 530, 536 (5th Cir. 2017). If the members are themselves partnerships, LLCs,

corporations or other form of entity, their citizenship must be alleged in accordance with the rules applicable to that entity, and the citizenship must be traced through however many layers of members or partners there may be. Mullins v. TestAmerica Inc., 564 F.3d 386, 397-98 (5th Cir. 2009); Rodidaco, Inc. v. Chesapeake Energy Louisiana Corp. 2018 WL 3551525 (W.D. La. 2018).

Accordingly, Defendant is directed to file an amended notice of removal by **December 6, 2018** that sets forth with specificity the citizenship of all of the members of DG Louisiana, LLC. If Defendant fails to file an amended notice that satisfies its burden with respect to diversity, the case may have to be remanded to state court for lack of subject matter jurisdiction.

THUS DONE AND SIGNED in Shreveport, Louisiana, this 15th day of November, 2018.



Mark L. Hornsby
U.S. Magistrate Judge